

Authority: Etobicoke York Community Council Item 5.2, adopted as amended,
by City of Toronto Council on April 12 and 13, 2011
Enacted by Council: September 22, 2011

CITY OF TORONTO

BY-LAW No. 1170-2011

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands in the vicinity of St. Clair Avenue West between Runnymede Road and Keele Street/Weston Road.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended to pass this By-law; and

WHEREAS pursuant to Section 36 of the *Planning Act*, Council may, in a by-law passed under Section 34 of the *Planning Act*, by the use of a holding symbol "H" in conjunction with a use designation, set out the use to which lands, buildings or structures may be put prior to and following the removal of the holding symbol "H"; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Appendix A, District Maps 47J-322, 47J-323, 47K-312 and 47K-313 shall be amended as shown on Schedule 1 to this By-law.
2. Appendix B, Height and Minimum Lot Frontage Maps 47J-322, 47J-323 and 47K-312 shall be amended as shown on Schedule 2 to this By-law.
3. Section 12(1) is amended by adding the following exception pertaining to the lands outlined in heavy lines on Schedule 3 to this By-law, such schedule to form the map at the end of the exemption:

"12(1) (487) to prevent the use of lands delineated by heavy lines on the map at the end of this exception for the purpose of a residential, commercial, mixed commercial-residential or institutional building(s) or structure(s) provided:

- (i) The minimum *height* of a building or structure is 10.5 metres and any building or structure must be a minimum of 3 *storeys* in *height*, except for a new commercial building or addition for the purposes of a vehicle dealership at the lands known municipally as 2336 St. Clair Avenue West and/or the lands known municipally as 2445 St. Clair Avenue West;
- (ii) The minimum *height*, measured floor to floor of the *storey* of a building closest to grade is 4.5 metres;
- (iii) A parapet wall used for wind protection for a green roof may exceed the maximum building *height* by 2.0 metres;

- (iv) Any building or structure must be set back:
 - (a) a maximum of 3 metres from the *front lot line*;
 - (b) a minimum of 75% of the main wall of the building facing a *front lot line* must be located at or between the *front lot line* and the maximum setback, except for a new commercial building or addition for the purposes of a vehicle dealership at the lands known municipally as 2336 St. Clair Avenue West. The main front wall of a building facing a *front lot line* on the south side of St. Clair Avenue West between Cobalt Avenue and Runnymede Road must be set back a minimum of 1.5 metres from the *front lot line*;
 - (c) a minimum of 7.5 metres from the *rear lot line*; and
 - (d) a minimum of 1.5 metres from the *rear lot line* if the *rear lot line* abuts a lane;
- (v) Where the wall of a building contains windows or openings, the wall must be set back a minimum of 5.5 metres from a *side lot line* that is not adjacent to a *street* or lane, otherwise no setback is required;
- (vi) Where the wall of a building does not contain windows or openings, the wall must be set back a minimum of 3.0 metres from any abutting *side lot line* if the building is on a *lot* that abuts a *lot* in an R1, R1S, R2, R3, R4 or R4A zone district, otherwise no setback is required;
- (vii) If a *lot* abuts a G, GH, GM, GR, UOS, R1, R1S, R2, R3, R4 or R4A zone district, then any building on the *lot* must not penetrate a 45 degree angular plane projected:
 - (a) Over a shallow *lot*, along the entire *rear lot line*, starting at an elevation of 10.5 metres above the average elevation of the ground along the *rear lot line*;
 - (b) Over a deep *lot*, along the entire *rear lot line*, starting at an elevation of 7.5 metres above the average elevation of the ground along the *rear lot line*;

- (c) For the purposes of the foregoing subsections (a) and (b) a shallow *lot* is a *lot* with a *lot depth* less than or equal to that which is prescribed in Column B below corresponding to the width of the street right-of-way on which the lot has frontage in Column A. For the purposes of the foregoing subsections (a) and (b) a deep *lot* is a lot with a lot depth greater than that which is prescribed in Column B corresponding to the width of the street right-of-way on which lot has frontage in Column A:

| Column A | Column B |
|------------------------------|-------------|
| Width of Street Right-of-Way | Lot Depth |
| 20 metres | 32.6 metres |
| 23 metres | 36.2 metres |
| 27 metres | 41 metres |
| 30 metres | 44.6 metres |
| 33 metres | 48.2 metres |
| 36 metres | 51.8 metres |

- (d) The specified height above the required rear yard setback at which the angular plane is to be measured, must be taken from the average elevation of grade along the *rear lot line*; and
- (e) Where a lot has frontage on a *street* right-of-way that is not listed in Column A, the next lowest width of *street* right-of-way in Column A will apply;
- (viii) The building must not penetrate a 45 degrees angular plane, measured at a line parallel to and at a height above a lot line that abuts a *street* and is not a *rear lot line*, equal to 80 per cent of the *street* right-of-way on which the lot has frontage;
- (ix) If a lot has two or more *lot* lines which abut a *street*, then the width of the widest abutting *street* right-of-way shall be used in the calculation of all setback, *height* and angular plane provisions;
- (x) Any portion of a building or structure containing residential uses located in the first floor of a building must be set back:
- (a) A minimum of 4.5 metres from the *front lot line*; or
- (b) A minimum of 3.0 metres from the *front lot line* provided that the floor level of the first floor is located a minimum of .9 metres and a maximum of 1.2 metres above the average elevation of grade along the *front lot line*;

- (xi) That portion of the building that has a *height* equal to or less than the width of the right-of-way of the *street* it abuts must comply with the following:
 - (a) If a wall of the building has windows and a line projected at a right angle from one of these walls intercepts the other wall, the minimum above ground distance between them must be 5.5 metres;
 - (b) If a wall of the building has windows facing a wall which does not have windows and a line projected at a right angle from one of these walls intercepts the other wall, the minimum above ground distance between them must be 5.5 metres;
 - (xii) If a lawfully erected building contained retail stores with a *total gross floor area* in excess of 1,800 square metres prior to September 22, 2011, the building may be used for the retail store purpose;
 - (xiii) The building is not used for the purposes of an *automobile service or repair shop* or a *motor vehicle repair shop Class A*, unless established prior to September 22, 2011;
 - (xiv) The building complies with by-law provisions pertaining to maximum *residential gross floor area*, maximum *non-residential gross floor area*, maximum *height*, amenity space, residential amenity space, parking and loading;
 - (xv) A *motor vehicle repair shop, Class B*, is permitted as part of the vehicle dealership on the lands known municipally as 2336 St. Clair Avenue West provided it is fully enclosed and located at least 18 metres distant from the boundary of a residential zone district;
 - (xvi) Prior to the removal of the 'H' holding symbol on 2211, 2237 and 2255 St. Clair Avenue West the uses permitted and site standards applied on these lands are those provided for in an 'IC' zone district as varied for these properties. In addition, a *meat products plant* is permitted at 2237 and 2255 St. Clair Avenue West prior to the lifting of the 'H' holding symbol. Prior to the removal of the 'H' holding symbol on 2283 St. Clair Avenue West the uses permitted and site standards permitted in an MCR T2.0 C1.0 R1.0 zone district are provided for. Upon removal of the 'H' holding symbol, pursuant to Section 36 of the *Planning Act*, permitted uses shall be as set out in an MCR T3.0 C1.0 R2.5 zone district."
4. Section 12(1) is further amended by adding the following exception pertaining to the lands outlined by heavy lines on Schedule 4 to this By-law, such schedule to form the map at the end of the exception:
- "(488) to prevent the use of the lands outlined by heavy lines on the map at the end of this exception for the purpose of a transit facility."
5. Section 12(2) is amended by deleting Section 12(2)(285).

6. Section 12(2)(305) is amended by deleting subsection (ii) and substituting therefor the following:
- "(ii) the total *non-residential gross floor area* of buildings or structures on a lot does not exceed .5 times the *lot area*."
7. Section 12(2) is further amended by adding the following exception pertaining to the lands outlined in heavy lines on Schedule 5 to this By-law, such schedule to form the map at the end of the exception:
- "(352) With respect to the lands outlined in heavy lines on the following map, no persons shall erect buildings or structures on a *lot* having a *non-residential gross floor area* greater than 1 times the area of the *lot* provided that the cumulative *non-residential gross floor area* used for uses listed in Section 9.1(f)(b)(iv) is no greater than 0.5 times the area of the *lot*, provided that the cumulative *non-residential gross floor area* used for uses listed in Section 9.1(f)(b)(iv) is no greater than 0.5 times the *lot area*. Further, no person shall erect or use a building for the purposes of an *automobile service and repair shop*, *car washing establishment*, *motor vehicle repair shop Class A*, or a *motor vehicle repair shop, Class B* unless it was legally established prior to September 22, 2011."
8. Prevailing By-law No. 1994-0301 of the former City of Toronto is amended by:
- (a) Adding the following words and symbols after the words "shall apply to prevent the erection and use of" in the first paragraph of Section 1:
- "buildings and structures for uses permitted in an 'IC' zone district up to a maximum *non-residential gross floor area* equal to 1.0 times the *lot area*, and the erection of buildings and structures for uses listed in Section 9.1(f)(b)(iv) up to a maximum *non-residential gross floor area* equal to 0.5 times the *lot area* including";
- (b) Deleting subsection 1(3) and replacing it with the following:
- "(3) the location of such retail warehouse building and *accessory* uses, above grade, include the area within the heavy lines shown on Plan 2 attached;"
- (c) Deleting subsections 1(4) and 1(7);
- (d) Amending subsection 1(6) by deleting the words and numbers "733 *parking spaces* and not more than 763" and replacing them with the number "710".

9. Prevailing By-law No. 844-2006 of the former City of Toronto is amended by:
- (a) Adding the following words, numbers and symbols in the first paragraph of Section 1 after the words "shall apply to prevent the erection and use of":

"buildings and structures for uses permitted in an 'IC' zone district up to a maximum *non-residential gross floor area* equal to 1.0 times the *lot* area, and the erection and use of buildings and structures for the purpose of uses listed in Section 9(1)(f)(b)(iv) up to a maximum *non-residential gross floor area* equal to 0.5 times the area of the *lot* area including"
 - (b) Deleting the words "such building" in subsection 1(ii) and replacing them with the words "any building erected and used for the purpose of a *retail-warehouse* and a garden centre and *motor vehicle repair shop, Class A* as *accessory* uses thereto".
 - (c) Deleting subsection 1(iv) and replacing it with the following:

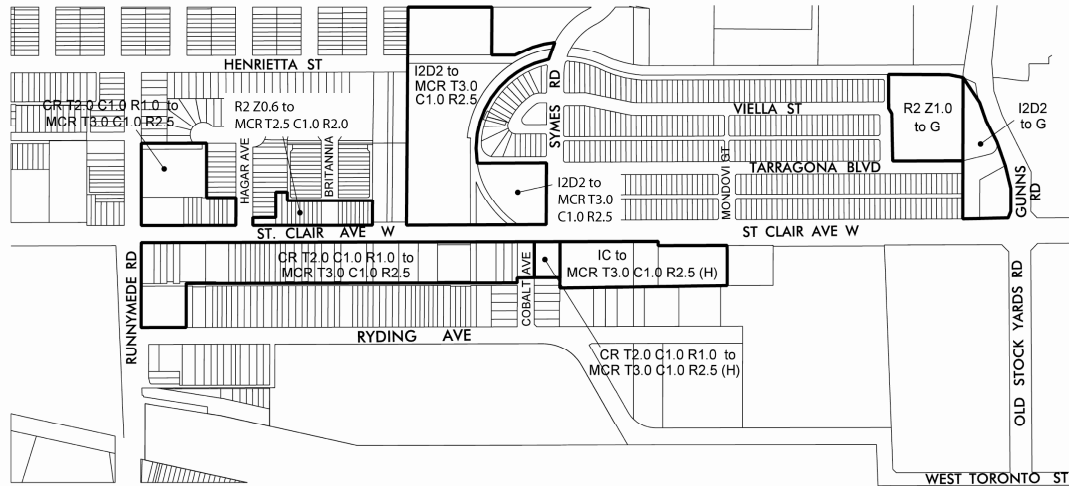
"(iv) the *non-residential gross floor area* of the *accessory motor vehicle repair shop, Class A* may not exceed 1,200 square metres;"
 - (d) Deleting subsection 1(viii).

ENACTED AND PASSED this 22nd day of September, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



St. Clair Avenue West from Keele Street/Weston Road to Scarlett Road

Schedule 1 - Zone District Changes

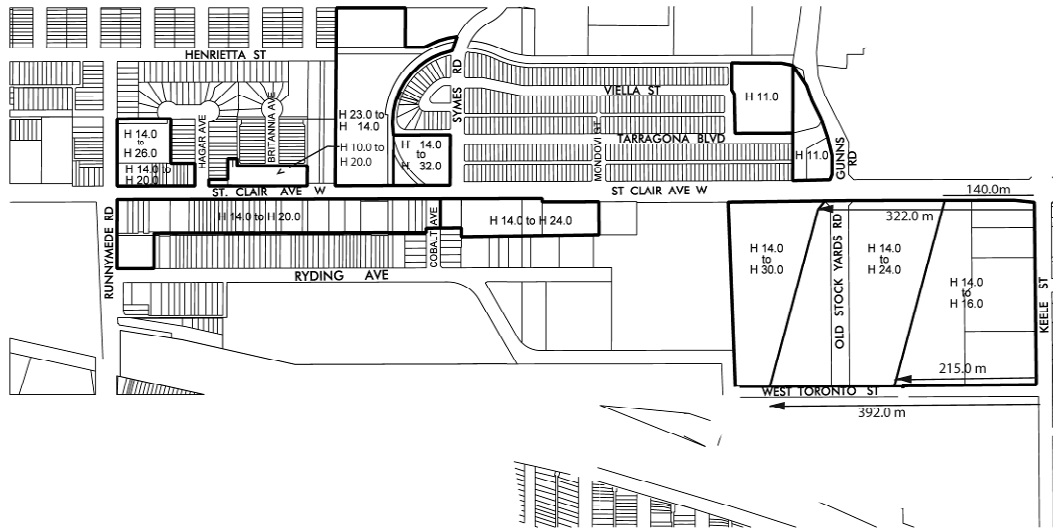
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Area Affected By This By-Law



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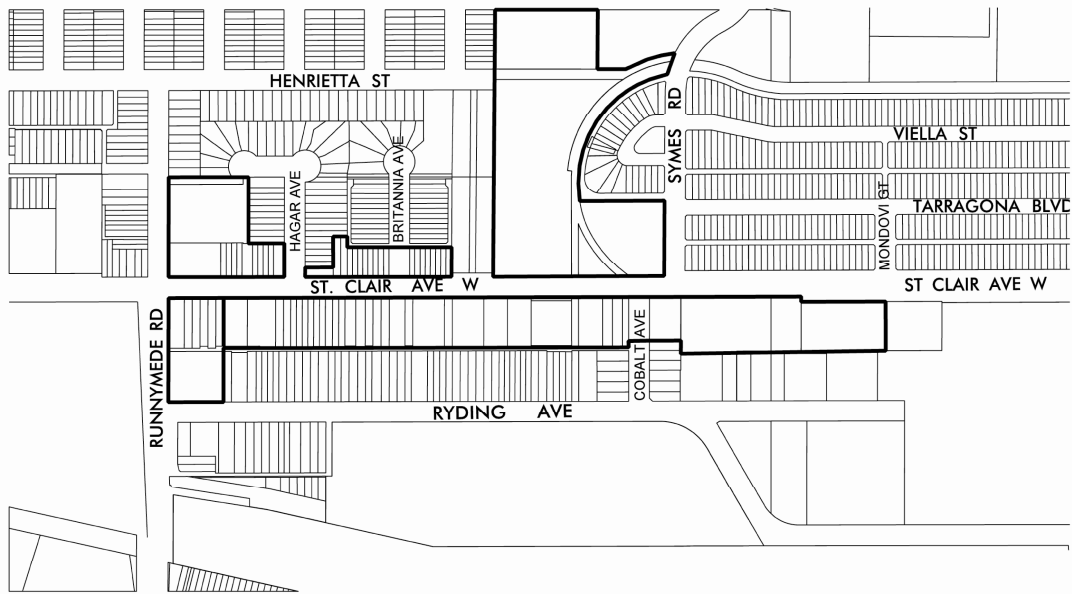


St. Clair Avenue West from
Keele Street/Weston Road to Scarlett Road

Schedule 2 - Maximum Building Height Changes

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 Area Affected By This By-Law



St. Clair Avenue West from
Keele Street/Weston Road to Scarlett Road

Schedule 3 - Lands Subject to Section 12(1) Exception 487

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2011/09/21



St. Clair Avenue West from
Keele Street/Weston Road to Scarlett Road

Schedule 4 - Lands Subject to Section 12(1) Exception 488

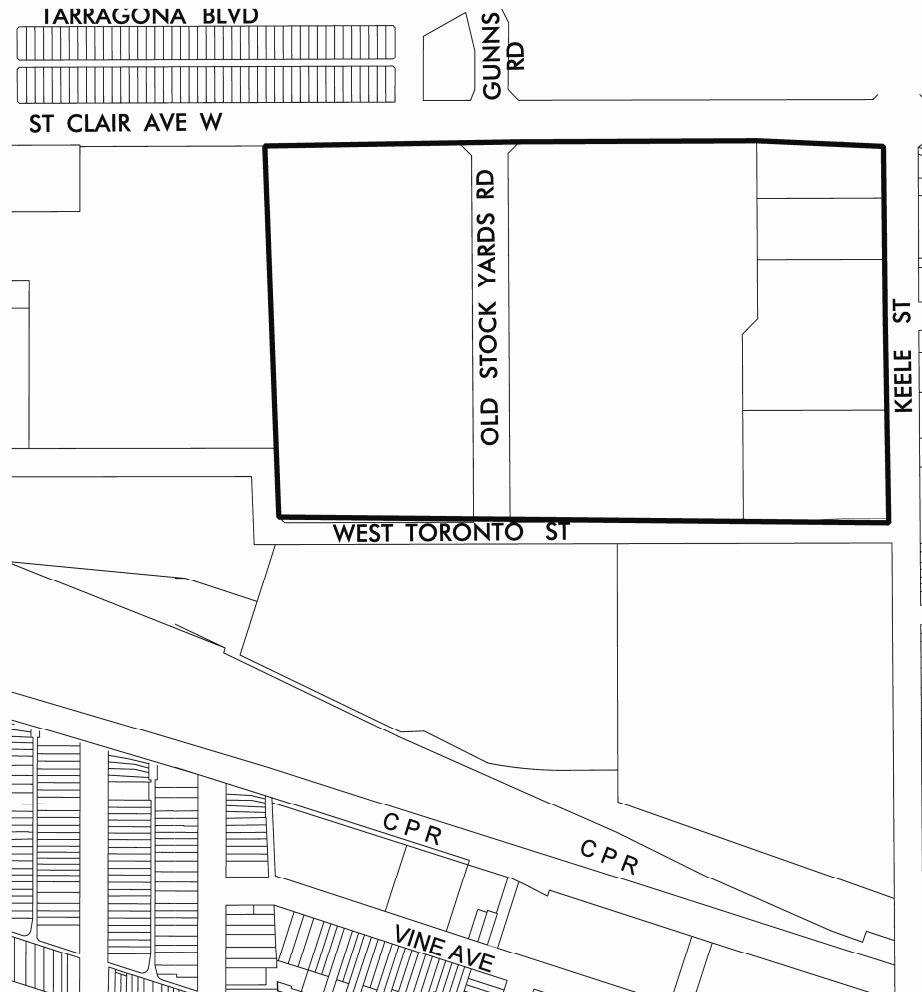
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St. Clair Avenue West from
Keele Street/Weston Road to Scarlett Road

Schedule 5 - Lands Subject to Section 12(2) Exception 352

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